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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Darren DeWall
Appl. No. : 09/967,249
Filed : September 28, 2001
Title : **GAMING DEVICE THAT ALLOWS PLAYERS TO CHOOSE
THE NUMBER OF CELLS PLAYED AND ADJUSTS THE
PROBABILITY OF A SYMBOL APPEARING BASED ON
THE NUMBER OF CELLS CHOSEN**
Grp./A.U. : 3714
Examiner : Corbett B. Coburn
Docket No. : 60,518-010

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

MAILSTOP: REPLY BRIEF - PATENT

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Dear Sir:

In response to the Examiner's Answer of April 2, 2004 the applicants hereby provides the following reply.

(5) *Summary of Invention*

The claims define the invention and applicant's summary is comenserate with claims 1 and 20. The claimed invention covers the selection of individual cells independently of one another, not tied to other cells in a certain payline, i.e., payline cells are not independent of one another.

(6) Issues & (7) Grouping of Claims

Applicant accepts the Examiner issues and grouping the basis that applicant is allowed to argue the patentability of claims 15, 16, 19, 36, 37 and 40 separately based upon the separate arguments presented by the Examiner in rejecting these claims.

(10) Summary of Invention

The Examiner admits that Payne “fails to teach allowing the player to individually select the number of cells independently of one another.” The Examiner tries to make up for this deficiency with the teaching in Grobbi of “scatter pay.” However, there is no teaching in Grobbi of a player selecting a number of cells. In fact, Grobbi teaches only the selection of paylines by the well known reel-type slot machine or a processor to present the symbols in the cells. Grobbi does not suggest the individual selection of the number of cells independently of one another by the player, as distinguished from the well known machine selection of symbols to be displayed in a machine selected number of cells.

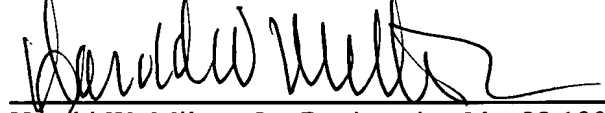
As to the rejection of claims 15, 16, 19, 36, 37 and 40, the Examiner admits that the prior art fails to teach a pawn shop. Since these claims recite a pawn shop, the rejection must fail.

Applicant: DeWall
U.S. Serial No.: 09/967,249
Reply Brief dated: May 24, 2004
Response to Examiners Answer of April 2, 2004

Because of all of the above identified issues, the reversal of the rejections noted by the Examiner is respectfully solicited.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.




Harold W. Milton, Jr., Registration No. 22,180
The Pinehurst Office Center, Suite 101
34900 North Woodward Ave.
Bloomfield Hills, MI 48304-5151
(248) 723-0352

May 24, 2004

Date

CERTIFICATE OF MAILING

I hereby certify that the attached **Reply Brief** for application serial number 09/967,249 filed September 28, 2001 is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231, on this **May 24, 2004.**


Anne L. Kubit